

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

NEW HAMPSHIRE MOTOR TRANSPORT
ASSOCIATION, MASSACHUSETTS MOTOR
TRANSPORTATION ASSOCIATION, INC.,
AND VERMONT TRUCK & BUS
ASSOCIATION, INC.,

Plaintiffs,

-v-

G. STEVEN ROWE, in his official capacity as
Attorney General of the State of Maine,

Defendant.

Case No. 1:03-cv-178-DBH

**ORDER ENJOINING MAINE FROM ENFORCING 22 M.R.S.A. § 1555-C(3)(C) IN ITS
ENTIRETY; AND ENFORCING 22 M.R.S.A. § 1555-D AS APPLIED TO MOTOR
CARRIERS AND AIR/GROUND CARRIERS**

For the reasons stated in the Opinion and Order dated May 27, 2005 on the parties' cross-motions for summary judgment, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

(A) G. Steven Rowe, in his official capacity as Attorney General of the State of Maine, his successors in office, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive notice of this Order, shall not enforce 22 M.R.S.A. subsection 1555-C(3)(C).

(B) G. Steven Rowe, in his official capacity as Attorney General of the State of Maine, his successors in office, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive notice of this Order, shall not enforce 22 M.R.S.A. subsection 1555-D against any motor carrier, air carrier, or carrier affiliated with a direct air carrier through common controlling ownership when such carrier is transporting property by aircraft or by motor vehicle (whether or not such property has had or will have a prior or subsequent air movement) (as those terms are used in 49 U.S.C. § 14501(c)(1) and 49 U.S.C. § 41713(b)(4)).

SO ORDERED.

DATED THIS 27th DAY OF JUNE, 2005

/s/ D. Brock Hornby
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE